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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,369	06/06/2002	James H. Crowell	CJL 301A2	2183

7590 01/26/2005

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EXAMINER


SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.	Applicant(s)	
	10/009,369	CROWELL, JAMES H.	
	Examiner	Art Unit	
	M. Safavi	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 18, 2004 has been entered.

Claim Objections

Claim 50 is objected to because of the following informalities: Claim 50 recites "front elements" which apparently, should be –frame elements–. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 27-36 and 38-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Donlon. Donlon discloses, Figs. 1-7, plastic modular building components, including panels and connector elements 15, 12 configured to interconnect the modular building components, wherein the modular building components are extruded from a polymer material, and wherein the connector elements have hook-like structures 31, 37 configured to slide or snap into interlocking engagement with corresponding hook-like structures on other building components to permit relative rotational and translational motion between building components. The configuration of the Donlon building would inherently shift in response to a change in ambient temperature and/or externally applied loads such that the building increases or decreases in size. The Donlon connector elements would inherently respond adaptively, selectively, and dynamically with respect to an externally applied load to create load bearing paths through the building between the point of application of the externally applied load and the ground. Connection features of all buildings would allow for such. Otherwise, the claims do not specifically set forth any feature serving to differentiate from the applied prior art. For example, each of claims 29-34, 45, and 46 appear to merely recite desired effect or consequence. An internal way can be seen in Figs. 3, 5, and 6, for example. Such internal way would constitute a "venturi system" enabling air to flow into and out of the building. Otherwise, an "air-flow venturi system" is, more or less, present in any habitable building structure. Foundation that generally increases in lateral dimension is at 11 with jacketing along 45/49 and vertically adjustable foot structure 23/46 having elongate vertically adjustable components 42 to level the foundation

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structure. Donlon includes panel structures floatingly connected to a frame structure using the connector elements, (see 15 connected to 14 via 12 in Fig. 4), such that an externally applied load may be transmitted between the panel structures and frame structure in an adaptive and intermittent manner according to the nature, size, and direction of the externally applied load.

Claims 27-36 and 44-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolfe. Wolfe discloses, Figs. 1, 3B, 2D, 3D, 4B, 4C, 5D, and 7, plastic modular building components, (formed by extrusion), including panels 50, 70 and connector elements 43, 230/330, 200 configured to interconnect the modular building components, wherein the modular building components are extruded from a polymer material, and wherein the connector elements have hook-like structures 232, 242 or 34, 41/42 or 93, 331, for example, configured to slide or snap into interlocking engagement with corresponding hook-like structures on other building components to permit relative rotational and translational motion between building components. The configuration of the Wolfe building would inherently shift in response to a change in ambient temperature and/or externally applied loads such that the building increases or decreases in size. The Wolfe connector elements would inherently respond adaptively, selectively, and dynamically with respect to an externally applied load to create load bearing paths through the building between the point of application of the externally applied load and the ground. Connection features of all buildings would allow for such. Otherwise, the claims do not specifically set forth any feature serving to differentiate

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from the applied prior art. For example, each of claims 29-34, 45, and 46 appear to merely recite desired effect or consequence. An internal way can be seen in Figs. 1A, 2A, 4B, 4C, and 7, for example. Such internal way would constitute a "venturi system" enabling air to flow into and out of the building. Otherwise, an "air-flow venturi system" is, more or less, present in any habitable building structure. Wolfe includes panel structures floatingly connected to a frame structure using the connector elements, (see 30 connected to 43 via 37 in Fig. 4B), such that an externally applied load may be transmitted between the panel structures and frame structure in an adaptive and intermittent manner according to the nature, size, and direction of the externally applied load.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donlon. Examiner takes official notice that water tanks are old and well known in the building art, (to provide hot water, for example). Thus, it would have been obvious for one of ordinary skill in the art to have provided the Donlon structure with a water tank, as on or along the foundation, thus allowing for daily use of water as necessary within the Donlon structure.

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Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe. Examiner takes official notice that water tanks are old and well known in the building art, (to provide hot water, for example). Thus, it would have been obvious for one of ordinary skill in the art to have provided the Wolfe structure with a water tank, as on or along the foundation, thus allowing for daily use of water as necessary within the Wolfe structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (703) 308-2481. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Safavi
January 15, 2005



MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354